

Jim Doyle  
Governor

**WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING**



1400 E Washington Ave  
PO Box 8935  
Madison WI 53708-8935  
Email: web@drl.state.wi.us  
Voice: 608-266-2112  
FAX: 608-267-0644  
TTY: 608-267-2416

**PHARMACY EXAMINING BOARD  
Room 294B, 1400 East Washington Avenue, Madison  
Contact: Tom Ryan (608) 266-8098  
April 13, 2005**

**8:00 A.M.**

**CLOSED SESSION (Room 291)** – Screening panel – Screen informal complaints – Cynthia Benning, John Bohlman, Georgina Forbes and Division of Enforcement staff

**9:00 A.M.**

**OPEN SESSION - CALL TO ORDER – ROLL CALL**

- A. Approval of Agenda
- B. Approval of Minutes of February 8, 9, 2004

Presentation of stipulation, final decision and order in the matter concerning Hauper Pharmacy by Attorney Michael Berndt – Case Advisor – John Bohlman

Presentation of stipulation, final decision and order in the matter concerning Gerald Hancock by Attorney Michael Berndt – Case Advisor – John Bohlman

**Administrative Report**

- Budget Report
  - MPJE Item Writing Workshop – appointment of Board representative
- C. Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation, Including:
    - i. Wis. Admin. Code § 6.08 – alarm system variance
      - SBRAC Comments
    - ii. Wis. Admin. Code § 7.05 – prescription transfer
      - Review for Approval To Clearinghouse
    - iii. Wis. Admin. Code § 6.09 – emergency preparedness
      - Review of Clearinghouse Comments
      - Public Hearing – **9:15 a.m.**
  - D. Legislative Proposals and Activity, including any legislation introduced after the publishing of the agenda:
    - Methamphetamine proposals and hearing - Cindy Benning

- 2005 Senate Bill 109 – Expanding cancer drug repository program
- 2005 AB 258 – drug product equivalents
- 2005 AB 269 – prescription drug labels

#### Legislative Liaison Report – Sue Sutter

#### Automated Dispensing

- Update on rules and/or legislation status
- Beaver Dam Community Hospital Notification of machine installations – Board review for approval

DEA Theft and Loss Reporting – Eric Callisto, Administrator, Division of Enforcement – **10:00 a.m.**

E. DEA Interim Policy Statement – Correspondence and Discussion

#### Regulatory Digest - status

#### Subcommittee Report - Patient Consultation Examination Discussion

- F. Medicare Electronic Prescribing Rules Review
- G. Variance Request – Roundy’s Inc., Pick-n-Save Pharmacy # 6371 – Douglass Berry – Milwaukee, WI – **APPEARANCE – 10:15 a.m.**
- H. Variance Request (Professional Service Area) – True Botanica, Inc. – Kathleen Hartnett, R.Ph. – Delafield, WI
- I. Variance Request (Delivery) – Community Pharmacy – Robert Umhoefer, RPh – Racine, WI – **APPEARANCE – 10:30 a.m.**
- J. Variance Request – River Falls Area Hospital – Scott Erickson – River Falls WI

#### Variance Requests Received in the bureau after mailing of the agenda

- K. Practice Question – NeighborCare Pharmacy – Michele Schuster – Kegler, Brown, Hill & Ritter – Columbus OH
- L. Practice Question – Hospital Drug Warehousing – Cardinal Health – Carole Culotta – (e-mail)
- M. Practice Question – Midelfort Pharmacies – Records for Scanned Prescriptions - Ryan Gunderson, PharmD – (e-mail)
- N. Wisconsin Pharmacy Forum Report – Sue Sutter
- O. Foreign Graduate Internship Requirements - discussion
- P. NABP Status Report re: FPGEC

PSW Educational Conference Q & A Review – Pain Management and Regulatory Issues - William Black, Sue Sutter

#### Licensing Liaison Report

#### MPJE Item Writing Workshop – Board consideration

Q. Informational Items

**CONVENE TO CLOSED SESSION to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)**

- R. Consideration of closing, Case No. 04 PHM 049 – Case Investigator – Michelle Schram
- S. Consideration of closing, Case No. 04 PHM 072 – Case Investigator – Michelle Schram
- T. Deliberation of proposed decision in the matter of proceedings against Neil Noesen, RPh – Case Advisor – John Bohlman
- U. Deliberation of stipulation, final decision and order in the matter concerning Hauper Pharmacy – Case Advisor – John Bohlman
- V. Deliberation of stipulation, final decision and order in the matter concerning Gerald Hancock – Case Advisor – John Bohlman

**DOE Monitoring:**

- W. Lance Lundstad, RPh – requesting reinstatement of three month stay
- X. Gerald Jennings, RPh – requesting three month stay and modifications
- Y. William Karwoski, RPh – requesting three month stay and modifications
- Z. Kevin Pampuch, RPh - requesting three month stay and modifications
- AA. Andrew Rice, RPh – requesting three month stay and modifications
- BB. John Schmitt, RPh – requesting three month stay and modifications

Review of monitor – Charles Engel

Deliberation of proposed stipulations that may be received in the bureau after mailing of agenda

Deliberation of proposed decisions that may be received in the bureau after mailing of the agenda

Consider closing(s) of disciplinary investigation(s) with administrative warning(s) that may be received in the bureau after mailing of the agenda

Deliberation of monitoring reports that may be received in the bureau after mailing of agenda

Division of Enforcement – case status report/case closings

Division of Enforcement – meeting with individual board members

Review of Applications that may be received in the bureau after mailing of agenda

Validation of Examination Scores

Consulting with legal counsel

Examination issues received in the bureau after mailing of the agenda

Application Issues received in the bureau after mailing of the agenda

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

D. Continued

- 2005 AB 270, 285, SB 155 – conscience clause legislation

Voting on items deliberated or considered in closed session if voting is appropriate

**ADJOURNMENT**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC UNLESS OTHERWISE NOTED. IF A BOARD ADJOURNS TO CLOSED SESSION, RECONVENES IN OPEN SESSION TO VOTE ON ITEMS CONSIDERED IN CLOSED SESSION, AND DURING VOTING DETERMINES THAT ADDITIONAL DELIBERATIONS ARE NECESSARY FOR VOTING, THE BOARD MAY ADJOURN TO CLOSED SESSION TO CONTINUE DELIBERATIONS AND THEN RECONVENE INTO OPEN SESSION FOR VOTING.

Meetings and hearings may be cancelled without notice. Times listed for meeting items are approximate and depend on the length of discussion and voting. The board may also consider in closed session, stipulations filed after the printing of this notice. Meetings may be confirmed by a telephone call to the listed contact person. Examinations are open only to authorized candidates. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. For a complete copy of the board's agenda, contact the board listed above. Interpreters for the hearing impaired provided on request. Contact the Affirmative Action Officer, (608) 266-2112.